GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS - REGULATION OF SAND MINING IN THE STATE–AMENDMENT TO ANDHRA PRADESH MINOR MINERAL CONCESSION RULES, 1966 - ORDERS – ISSUED
==========
INDUSTRIES & COMMERCE (MINES-III) DEPARTMENT

G.O.MS.No. 25 Dated: 16-04-2021.
Read the following:

1. G.O.Ms.No.1172, Ind. & Com. Dept, Dt:04-09-1967.
2. G.O.Ms.No.70, I.I.I&C (M.II) Dept., Dt:04.09.2019
3. G.O.Ms.No.71, I.I.I&C (M.II) Dept., Dt:04.09.2019
4. G.O.Ms.No.72, I.I.I&C (M.II) Dept., Dt:04.09.2019
5. G.O.Ms.No.73, I.I.I&C (M.II) Dept., Dt:04.09.2019
6. G.O.RT.No.252, I.I.I&C (ESTT) Dept.,Dt:09.10.2019
7. G.O.Ms.No.86, I.I.I&C (M.II) Dept., Dt:11.10.2019
8. G.O.Ms.No.99, I.I.I&C (M.II) Dept., Dt:15.11.2019
9. G.O.Ms.No.31, Ind. & Com. (Mines-III) Dept.,Dt:09.06.2020
10. G.O.Ms.No.32, Ind. & Com. (Mines-III) Dept., Dt:25.06.2020
11. G.O.Ms.No.41, Ind. & Com. (Mines-III) Dept., Dt:10.08.2020
12. G.O.Ms.No.69, Ind. & Com. (Mines-III) Dept., Dt:23.10.2020
13. G.O.Ms.No.78, Ind. & Com. (M.III) Dept., Dt:12.11.2020
14. G.O.Ms.No.5, Ind. & Com. (M.III) Dept., Dt:16.02.2021
15. From the DM&G, AP, single e-file No:INC01-MG0POLI/1/2021.

*****

ORDER:-

In the G.O. 13th read above, Government, in due consideration of the recommendations of the Group of Ministers, have issued orders for upgrading the existing Sand Policy and accordingly decided to issue amendments to Rule 9-B of Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. Accordingly, the following notification will be published in the Extra-Ordinary issue of the Andhra Pradesh Gazette **dt.**16-04-2021.

NOTIFICATION

In exercise of the powers conferred by sections 15(1), 15(1A), 21(2), 22, 23 and 23(c) of Mines and Minerals (Development and Regulation) Act, 1957, the Government hereby make the following amendments to Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Industries (B-1), 4th September 1967 as subsequently amended.

2. These rules shall come into force from the date of issue of this notification. However, the Amendments issued to APMMC Rules, 1966 vide G.O.Ms.No.71, I.I.I&C (M-II) Dept. dated 04.09.2019 and as subsequently amended shall remain in force until such time the sand operations are completely taken over by the Agency(ies) selected for the respective package.

(P.T.O)

AMENDMENT

In the said Rules,-

1. in the item (a) in Rule 9-B (1)(a)(iv), for the words "for local needs by bullock carts and tractors", the words "for local needs by bullock carts" shall be substituted.
2. for the item (b) in Rule 9-B (1)(a)(iv), the following shall be substituted, namely:

   "Sand shall be made available for self-consumption of village(s) abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing Free of Cost through a coupon system. The subsidy towards the same shall be borne by the State Government.

   Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency selected for the particular package. The cost incurred by the Agency towards the Sand operations shall be collected from the consumers as applicable."
3. the item (d) in Rule 9-B (1)(a)(iv) and the item (m) in Rule 9-B (1)(b)(i) shall be omitted.
4. the item (iii) in Rule 9-B (1)(b), the following shall be substituted, namely:

   "(iii) The Deputy Director of Mines & Geology concerned shall identify the potential sand bearing areas on regular basis along with Line Departments duly estimating the thickness of sand, Geo-coordinates of the demarcated area and mode of sand extraction and place the proposals for extraction before District Level Sand Committee."
5. for item (b) under Rule 9-B (1)(b)(iv), the following shall be substituted, namely:

   "(b) The Deputy Director, Ground Water Dept., shall issue clearance for the specified sand bearing areas duly evaluating the report submitted by the Deputy Director of Mines & Geology concerned."
6. for item (c) under Rule 9-B (1)(b)(iv), the following shall be substituted, namely:

   "(c) The Executive Engineer/River Conservator shall issue clearance for the specified sand bearing areas as proposed by the Deputy Director of Mines & Geology concerned duly providing the details of the ramps."
7. in the item (d) under Rule 9-B (1)(b)(iv), for the words "Assistant Director of Mines and Geology the words 'Deputy Director of Mines and Geology" and for the words "basing on the Ground Water Department's feasibility report.", the words "basing on the Deputy Director Ground Water Department's clearance" shall be substituted.
8. the item (e) in Rule 9-B (1)(b)(iv) shall be omitted.
9. in the item (v) in Rule 9-B (1)(b), for the words "in the name of DistrictCollector", the words "in the name of the Agency selected for the respective package" shall be substituted.
10. In the said Rules, for the item (vi) under Rule 9-B (1)(b), the following shall be substituted, namely:

    "(vi) After obtaining statutory clearances, Deputy Director of Mines & Geology

(Contd.)

shall intimate the details of the new reaches to the Director of Mines & Geology for addition of reaches to the Selected Agency for the respective package."

11. after the item (vi) under Rule 9-B (1)(b), the following shall be added, namely:

"(vii) The Deputy Director of Mines & Geology concerned shall transfer all the statutory clearances of the reaches in the name of the Selected agency for the respective package.

(viii) After commencement of the agreement with the Selected Agency, in case of any newly identified sand reaches, the statutory clearances for the same shall be taken in the name of the selected agency."

12. in Rule 9-B (1)(c), for the words "M/s Andhra Pradesh Mineral Development Corporation Ltd., the words "The Agency selected for the particular Sand package" shall be substituted.

13. items (i), (iii), (iv) in Rule 9-B (1)(c) shall be omitted and in the item (iii a) in Rule 9-B (1)(c) for the words "village/village(s) within a radius of 5 kms abutting the IV, V & Higher order streams" the words "village/village(s) abutting the IV, V & Higher order streams" shall be substituted.

14. after the Clause (c) in Rule 9-B (1), the following shall be inserted, namely :

(c-1) Grant of Lease to the Successful Bidder for Extraction and Sale of Sand:

1. After receipt of recommendation regarding the successful bidder from the Service Provider, the Director of Mines & Geology shall issue Letter of Intent (LOI) to the Successful bidder within 3 days.
2. The Successful Bidder shall be required to enter into an Agreement with the Director of Mines & Geology along with the execution of Quarry Lease Deed, as per the format given in Form S1 (Appended), within a period of two(2) weeks from the date of issue of LOI duly furnishing the Performance Security for an amount as mentioned in the tender document towards Security deposit in the form of Bank Guarantee and paying all costs related to stamp duty, registration of the Quarry lease and any other applicable statutory charges.

Provided that, upon entering into an Agreement with the successful bidder, the Director of Mines & Geology shall immediately issue a work order to the successful bidder.

Provided that Quarry Lease Deed shall be executed within two(02) weeks from the date of issue of LOI, failing which the letter of intent shall be revoked and the Bid Security shall be forfeited.

Provided that Director of Mines & Geology may one-time allow a further suitable period at his/her sole discretion with reasons recorded in writing.

(Contd.)

Provided further that the State Government may allow a further suitable period at its sole discretion with reasons recorded in writing.

3. If there is any default in payments by the bidder, the DM&G shall forfeit the amounts paid by the bidder.

4. The Agency shall adhere to the conditions of Agreement, Lease Deed and all other applicable Acts, Rules and Guidelines"

15. for the Rule 9-B (1)(d), the following shall be substituted, namely :

(d-1) Responsibilities of the Lessee selected for the particular package:

1. The Lessee shall explore to employ "Boatsmen Societies" for sand excavation from specific notified Reaches through de-siltation, as per the procedure in vogue.

2. The Lessee shall be required to comply with the Sale price of Sand as fixed by GoAP at the reaches/stockyard and at specific cities/locations in the State.

3. The Lessee shall be required to meet the prescribed optimum operation of reaches, excavation, storage and sale obligations, as well as comply with all other conditions, as may be prescribed by the Director of Mines & Geology / State Government from time to time so that requisite quantity of Sand be made available and supplied to both Private and Government Construction works.

4. The Lessee shall be required to comply with all statutory provisions and shall indemnify the State Government against all liabilities, costs, expenses, damages and losses (including but not limited to any interest, penalties and legal costs) arising out of or in connection with breach or non-compliance with applicable laws.

5. The Lessee shall load Sand from Stockyard/Reach in the vehicles in case the Consumer arranges for their own transportation arrangements.

6. The Lessee shall engage and keep standby vehicles (~20 vehicles per Stockyard/Reach) for transportation of sand to consumers as and when required.

7. The Lessee shall deposit prescribed Performance Security Deposit which shall be liable to be forfeited in case of any default in timely payments or non-compliance with its obligations as per the Rules and as prescribed in the tender document.

8. The Lessee shall permit Sand booking throug offline mode such that any consumer can go to the Stockyards/Reaches of their choice directly and after verifying the quality of sand and making necessary payments there itself can procure the sand in offline mode.

(Contd.)

9. The Lessee shall permit "Free of Cost" sand through bullock carts as per existing mechanism.

10. The Lessee shall supply Sand "Free of Cost" for self-consumption of villages abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing, through a coupon system. The subsidy towards the same shall be borne by the State Government.

    Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency. The cost incurred by the Agency towards the Sand operations may be collected from the consumers as applicable.

11. The Lessee shall remit the cost incurred by Dept., of Mines & Geology, towards obtaining the statutory clearances viz. Approved Mining Plan(AMP),Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, a per the procedure laid down by Director of Mines &Geology. The detailed procedure shall be communicated by the Director of Mines & Geology (DMG).

12. Lessee shall be required to abide by all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, APMMC Rules 1966, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums & Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Dept., of Mines & Geology from time to time.

13. In addition to this, the Lessee shall ensure the following:

(a) At Sand reaches

1. Lessee must erect boundary pillars and shall ensure that the excavation does not take place outside the demarcated area/lease boundary.
2. Lessee shall secure perimeter of the dedicated sand bearing area to avoid encroachment at the designated reach.
3. Lessee shall excavate only up to the approved depth as per Approved Mining Plan at the designated reach.
4. Lessee shall be held responsible in case the Lessee fails to adhere to the above three(3) conditions and any other violations as per extant Rules.
5. Lessee shall deploy the necessary manpower to excavate Sand in accordance with the Approved Mining Plan, conditions of Environmental Clearance, Agreement guidelines, and as per the directives given by DMG.
6. The Lessee shall ensure that all the Reaches handed over to him with all statutory clearances are operational at all times.
7. During the non-monsoon season, if the number of reaches operating at optimum capacity fall below 70% of the total number of reaches in a package, the penal clauses shall be invoked as prescribed in the Tender document.
8. The DMG or any officer authorized by DMG shall have the right to levy penalty as per the penal clauses specified in the tender document.

(Contd.)

(b) At Stockyards/ Reserve depots:

1. In order to meet the demand of Sand during monsoon season (i.e., in the months of July, August and September), the Lessee shall stock such quantity of Sand as prescribed by the Director of Mines & Geology with prior approval of the State Government or as specified in the Tender document at various Reserve Depots, in order to make the Sand available for sale throughout the State at the rate fixed by the State Government.
2. The Detailed List of stockyards along with the details of quantity of sand stock available, location etc. shall be intimated to Director of Mines & Geology by 30th June of every year.
3. The Penal provisions for not maintaining the specified amount of Reserve stocks shall be prescribed in the Tender document/ Agreement.
4. As the onset of Monsoon season may vary because of geo-climatic conditions, the Reserve stock requirement shall be maintained accordingly.
5. During the non-monsoon seasons, Sand may be supplied to the consumers from reaches to the extent possible.

   However, for smooth supply of sand, if required, stockyards may be maintained at locations which cannot be served directly from the reaches in order to meet the requirement of sand.
6. Notwithstanding anything stated in these Rules/Agreement, in order to meet the demand of sand, the Agency shall maintain reserve depots / stockyards at any specified locations in the State as per the instructions of the Director of Mines & Geology.
7. In cases where the Lessee delivers Sand to the consumers from reach/stockyard in vehicles of the Lessee to a place which is distant from reach/stockyard, the Lessee shall abide by Sand rates as notified by the State Government for different cities/locations in the State.
8. Lessee shall identify and arrange Land for Reserve depots/stockyards, if maintained, with proper connectivity and ease of access for consumers.
9. Lessee shall collect sale price of Sand from the customers and issue Sale Waybill/ Invoice along with the details of vehicle number, quantity etc., as applicable to the customer.
10. Lessee shall issue a copy of the said Sale waybill / Invoice to the vehicle driver prior to dispatch of sand from the Reach/stockyard.
11. Lessee shall load the sand as per the approved capacity of the vehicle.
12. Lessee shall maintain daily production and dispatch register and statutory returns/clearances prescribed under various statutes.
13. Lessee shall furnish a sand reach / stockyard wise monthly and yearly returns statement in Form–S2(Appended) and Form–S3 (Appended) respectively to the Dept., of Mines & Geology on the quantity of sand excavated and transported to stockyard(s) as well as sand dispatched from the reaches / stockyard to the end customers within seven(7) days of the succeeding month.

(c) Sale & Transportation

1. Lessee shall obtain Dispatch permits/Transit forms / passes as per the procedure laid down by the Director of Mines & Geology for transportation of sand from reaches/stockyard to consumers.
2. The Lessee shall ensure that sand is available for sale throughout the year in the State.
3. The Lessee shall use authorized ramps as per existing mechanism for transportation of sand from the reaches.

(Contd.)

(d) Addition of New Sand reaches

1. New Sand Reaches shall be continuously identified by the Dept., of Mines & Geology during the contract period for un-interrupted supply of sand, subject to availability of sand bearing areas.
2. Any new reaches of higher and lower order streams as identified by the Dept., of Mines & Geology in a package area during this period shall be allotted to the Lessee and Lessee shall undertake excavation, storage, sale etc. as per the existing mechanism.

(e) Other conditions:

1. The Lessee shall coordinate with the Deputy Director of Mines & Geology of the concerned district for taking over the details of the sand reaches, location details, extent, transfer of statutory clearances in the name of the Lessee and other requisite documents required to commence sand operations.
2. The Lessee shall permit and extend necessary support to the officials of the Dept., of Mines & Geology, officials of Special Enforcement Bureau (SEB), Police Dept., and officers from any other Law enforcement agency to inspect, check the sand operations, storage/stocking, sale, stock, stockyard operations, and vehicles as per the provision of Act and Rules and procedures in vogue.
3. The number of optimum operation of reaches shall be relaxed in case of issues beyond the control of the lessee such as inundation of the reaches, drought situation & Force Majeure events (Acts of God) and Govt./Judicial Orders.

(d-2) Cancellation of Leases

1. In case of any breach or non-compliance with any of the provisions of the Act and rules made thereunder and any violations to these Rules, the quarry lease inclusive of the Agreement shall be liable to be terminated by the Director of Mines & Geology.
2. Against any order issued by the Director of Mines & Geology, the Lessee may prefer a Revision before the State Government under Rule 35-B of APMMC Rules 1966."
3. for the items (i), (ii) & (iii) in Rule 9-B (1)(e), the following shall be substituted, namely :

"(i) The sand extracted by the Lessee shall be utilized anywhere within the State.

(ii) The District Collector shall put in place a proper administrative mechanism to curb illegal extraction and transportation of sand."

(iii) Sand shall be made available for self-consumption of village(s) abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing Free of Cost through a coupon system. The subsidy towards the same shall be borne by the State Government.

(Contd.)

Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency selected for the particular package. The cost incurred by the Agency towards the Sand operations shall be collected from the consumers as applicable"

17. in the Clause (i) in Rule 9-B (1)(f), for the words "Secretary, Mines, III & Com. Dept", the words "Prl. Secretary, Ind. & Com. (Mines) Dept." and for the words "Secretary, Mines, PR & RD Dept", the words "Prl. Secretary, PR & RD Dept." shall be substituted, the words "Commissioner, Special Enforcement Bureau" and the words "VC & MD, M/s APMDC Ltd. shall be omitted.

18. in the Clause (ii), in Rule 9-B (1)(f), for the words "Sand extraction" the words "Sand extraction, storage, sale, transportation etc." shall be substituted.

19. in the Rule 9-B (2), for the words "or by allotting the work to M/s APMDC Ltd." the following shall be substituted, namely :

"Provided that, for undertaking De-siltation operations in areas other than Prakasam Barrage and Dawaleswaram barrage, the Irrigation Dept., may allot the De-siltation work to the Lessee selected for the respective Package on mutually agreed terms and conditions through Director of Mines & Geology."

20. for the item (ii) in Rule 9-B (2)(a), the following shall be substituted,namely:

"(ii) There shall be joint inspection of the demarcated area by the Assistant Director of Mines & Geology concerned, Executive Engineer, Irrigation Dept., to ensure that the demarcated area to be de-silted by Irrigation Dept., shall not overlap with any of the area(s) already under de-siltation or likely to be de-silted by the Lessee appointed for the particular Package."

21. for the item (v) in Rule 9-B (2)(a), the following shall be substituted, namely :

"(v) In case of handing over the areas for De-siltation to the Agency, the Agency shall undertake the de-siltation work by following the prescribed norms."

22. after the item (v) in Rule 9-B (2)(a), the following shall be inserted, namely :

"(vi) The procedure for de-siltation of sand shall be prescribed by the Irrigation Department.

(vii) The procedure for disposal of sand available after de-silting shall be prescribed by the Director of Mines & Geology / State Government."

23. the clauses (b) and (c) in Rule 9-B (2) and the sub-Rule (3) of Rule 9-B shall be omitted.

(Contd.)

24. for the words "specified stockyards" in the clause (a) of Rule 9-B (4), the words "reaches/stockyards" shall be substituted.
25. for the sub-Rule (5) in Rule 9-B, the following shall be substituted, namely :

"(5) Remittance of tender document fee proceeds to Dept., of Mines & Geology:

The proceeds from sale of tender document shall be remitted to the account of Dept., of Mines & Geology as specified by Director of Mines & Geology."

26. for the sub-Rule (9) in Rule 9-B, the following shall be substituted, namely :

"(9) Remittance of sale proceeds of Sand:

The periodic payments by the Agency selected for the particular package shall be remitted fortnightly to the Government as per the procedure laid down by the Finance Department."

27. the sub-Rule (10) in Rule 9-B shall be omitted.
28. for the sub-Rule (11) in Rule 9-B, the following shall be substituted, namely :

"(11) Sand extraction in Scheduled areas:

The Sand reaches located in Scheduled Areas shall be granted and Operated by the Tribal Societies as per the Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 or any rules/amendments made thereunder. "

29. the sub-Rule (12) in Rule 9-B shall be omitted.
30. for the sub-Rule (14) in Rule 9-B, the following shall be substituted, namely:

"(14) Prohibition of stocking of Sand:

No person, unless permitted by the Government, is allowed to stock the sand beyond his/her self consumption requirements and shall not sell nor involve in any re-sale of sand"

31. in the sub-Rule (16) in Rule 9-B, the words "transporting sand without GPS devices" shall be omitted.
32. in clause (a) in Rule 9-B (16), for the words "Sand Way bill issued by Asst. Director of Mines & Geology concerned" the words "Sand Way bill /invoice" shall be substituted.
33. in clause (b) of Rule 9-B (16), for the words "Sand Way bill" the words "Sand Way bill / Invoice" shall be substituted.
34. for the clause (c), in sub-Rule (16), in Rule 9-B, the following shall be substituted, namely :

"In any case person including the agency / transporter sells the sand above the notified prices, a penalty of Rs.2000 per metric ton shall be levied;"

35. in the item (xii), in Rule 9-B (16)(f), for the words "Any other officer nominated by Dist. Collector (concerned)", the words "Any other officer nominated by Dist. Collector (concerned) / Director of Mines & Geology" shall be substituted.
36. in the clause (i), in sub-Rule (16) of Rule 9-B, for the words "M/s Andhra Pradesh Mineral Development Corporation Ltd.", the words "The Agency selected for the respective package" shall be substituted.
37. for the sub-Rule (17), in Rule 9-B, the following shall be substituted, namely :

(Contd.)

"(17) Appeals and Revisions:

1. Any person aggrieved by an order passed by the Deputy Director of Mines & Geology / Assistant Director of Mines & Geology may prefer an Appeal before the Director of Mines & Geology under Rule 35-A of APMMC Rules 1966.
2. Any person / agency aggrieved by an order passed by the Director of Mines & Geology /Officials of Special Enforcement Bureau (SEB) pertaining to sand matters may prefer a Revision before the State Government under rule 35-B of APMMC Rules 1966.

38. the sub-Rule (18) , in Rule 9-B shall be read as sub-Rule 18(a) of Rule 9-B.

39. after the clause (a), in Rule 9-B (18), the following shall be inserted, namely :

"(b) Director of Mines and Geology shall issue operational guidelines from time to time for extraction and sale of sand to maintain environmentally sustainable sand mining in the State."

40. after the sub-Rule (19), in Rule 9-B, the following shall be inserted, namely:

"(20) Interest:

The State Government shall charge simple interest at the rate of twenty-four (24) per cent per annum on any payment due to State Government which is delayed beyond the due date thereof."

(21)Exit Plan for the existing leases:

1. Regarding IV, V and above order streams, M/s APMDC Ltd. shall hand over existing reaches to the Selected Agency for the respective package for extraction and disposal of the balance quantity of sand available in the reaches. The Successful bidder, after entering the agreement and execution of Lease deed shall be authorized to take over the sand reaches immediately for continuation of operations.
2. The residual sand stocks in the stockyards/depots along with the infrastructure created shall be handed over to the selected Agency(ies) at the sale price of sand fixed by the Government for disposal to the end consumers.
3. All the assets available with M/s APMDC Ltd. pertaining to sand operations such as weighbridges, CCTV cameras, Computers and other accessories etc., shall be handed over to the selected Agency(ies) duly evaluating and ascertaining the book value of the Assets and on mutually agreed terms and conditions."

41. (a) the following Form S-1, Form S-2 and Form S-3 shall be substituted as annexed to this Order, namely,-

(b) the existing Form S-4 and Form S-5 shall be omitted.

(Contd.)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)

To
The Commissioner of Printing, Stationery & Stores Purchases (Printing Wing) Andhra Pradesh, Vijayawada. (with a request to publish the above notification and arrange to send 200 copies of the same to the Government in Industries & Commerce (M.III) Department and 100 copies to the Director of Mines & Geology, A.P., Ibrahimpatnam, Vijayawada)

Copy to:
The Director of Mines & Geology,Ibrahimpatnam,Vijayawada.
The VC&MD, APMDC, Kanuru, Vijayawada.
The Commissioner, Special Enforcement Bureau, AP, Vijayawada.
The Director, Ground water & Water Audit Department, Vijayawada.
All the District Collectors in the State of A.P.
All the District treasury Officers in the State of A.P.
The Director, Treasures & Accounts, A.P., Vijayawada.
The Pay and Accounts Officer, Vijayawada.
The Accountant General of Andhara Pradesh, Vijayawada.
The P.S. to Hon'ble Deputy Chief Minister of Revenue.
The P.S. to Hon'ble Minister for PR & RD and Mines & Geology.
The P.S. to Hon'ble Minister for Water resources (Irrigation)
The P.S. to Hon'ble Minister for Finance & Planning.
The P.S. to Hon'ble Minister for Home.
The P.S. to Hon'ble Minister for Housing.
The PS to Secy. to Hon’ble Chief Minister.
The PS to Prl., Secy.(Mines), Ind.& Com. Dept.
The Law (H) Department.
The Finance (FMU-REV-I&C) Department.
SF/SC (Comp. No:1340996)

**\\ FORWARDED :: ORDER **

SECTION OFFICER

APPENDIECES

FORM S-1

Lease Deed for Sand Package - XX (XX districts)
(See Sub-Rule 1(c-1)(ii) of Rule 9-B of APMMC Rules, 1966)

This agreement entered into on this day of _____of ___between the Director of Mines & Geology on behalf of Government of Andhra Pradesh, referred to as the Lesser, which expression shall unless repugnant to the subject or context mean and include its successors, assignees and representatives etc., on one part.

AND

Sri/M/s. / S/o. _ residing at herein after referred to as the Lessee) which expression shall include its successors in interest, legal representatives etc., on other part.

Whereas the<NAME OF THE SERVICE PROVIDER>Limited vide notification No. _____ dated:___ invited online applications for extraction of sand from the Sand reaches, stocking, sale etc in Package – XX covering XX districts.

The Director of Mines & Geology issued Letter of Intent for the Sand Package vide Proceedings No._____, dt:_____. This lease is subject to the extent, terms & conditions of notification and Andhra Pradesh Minor Mineral Concession Rules, 1966.

NOW IT IS MUTUALLY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:-

SCOPE OF THE WORK:

The Lessee / Lessee Company shall extract and store sand in Package – XX covering XX districts, with the details of specified areas along with corresponding geo-coordinates as provided in the Annexure 1, and dispose sand from the reach/stockyard at the rate not more than the sale price fixed by the Government from time to time.

PERIOD OF LEASE:

The lease deed shall be in force with effect from _____ and shall expire on _____.
The lease is not transferable.

QUANTITY OF SAND TO BE EXTRACTED:

1. The Lessee shall extract sand, stock, sale etc from the Sand reaches in Package – XX covering XX districts as per the details of specified areas along with corresponding geo-coordinates is provided in the Annexure 1.
2. The Lessee shall extract the indicated quantity from the specified sand reach, during the period of agreement in consonance with Approved MiningPlan, Environment Clearance, Consent for Establishment & Operation and other applicable Acts, Rules and guidelines in vogue.
3. The Lessee while extracting sand from the reach shall confine to the thickness specified in the Approved Mining Plan and to the boundaries notified.
4. The Lessee shall extract indicated quantity of sand during the period of agreement and sell/transport/dispatch to consumers /stockyards/depots/duly paying the statutory payments in advance from time to time.

5. The Lessee shall maintain true records of dispatch of sand from the sand reaches to the end consumer and stockyards.
6. The Lessee shall maintain true records of dispatch of sand from the reaches/ stockyards/depots and file monthly and yearly returns to the competent authority as per APMMC Rules, 1966.

CONDITIONS:

1. The Lessee shall explore to employ "Boatsmen Societies" for sand excavation from specific notified Reaches through de-siltation, as per the procedure in vogue.
2. The Lessee shall be required to comply with the Sale price of Sand as fixed by GoAP at the reaches/stockyard and at specific cities/locations in the State.
3. The Lessee shall be required to meet the prescribed optimum operation of reaches, excavation, storage and sale obligations, as well as comply with all other conditions, as may be prescribed by the Director of Mines & Geology / State Government from time to time so that requisite quantity of Sand be made available and supplied to both Private and Government Construction works.
4. The Lessee shall be required to comply with all statutory provisions and shall indemnify the State Government against all liabilities, costs, expenses, damages and losses (including but not limited to any interest, penalties and legal costs) arising out of or in connection with breach or non-compliance with applicable laws.
5. The Lessee shall load Sand from Stockyard/Reach in the vehicles in case the Consumer arranges for their own transportation arrangements.
6. The Lessee shall engage and keep standby vehicles (~20 vehicles per Stockyard/Reach) for transportation of sand to consumers as and when required.
7. The Lessee shall deposit prescribed Performance Security Deposit which shall be liable to be forfeited in case of any default in timely payments or non-compliance with its obligations as per the Rules and as prescribed in the tender document.
8. The Lessee shall permit Sand booking through offline mode such that any consumer can go to the Stockyards/Reaches of their choice directly and after verifying the quality of sand and making necessary payments there itself can procure the sand in offline mode.
9. The Lessee shall permit "Free of Cost" sand through bullock carts as per existing mechanism.
10. The Lessee shall supply Sand "Free of Cost" for self-consumption of villages abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing, through a coupon system. The subsidy towards the same shall be borne by the State Government.

    Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency. The cost incurred by the Agency towards the Sand operations may be collected from the consumers as applicable.

11. The Lessee shall remit the cost incurred by Dept., of Mines & Geology, towards obtaining the statutory clearances viz. Approved Mining Plan(AMP), Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, as per the procedure laid down by Director of Mines &Geology. The detailed procedure shall be communicated by the Director of Mines & Geology (DMG).
12. Lessee shall be required to abide by all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, APMMC Rules 1966, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums &

Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Dept., of Mines & Geology from time to time.

13. In addition to this, the Lessee shall ensure the following:

(a) At Sand reaches

1. Lessee must erect boundary pillars and shall ensure that the excavation does not take place outside the demarcated area/lease boundary.
2. Lessee shall secure perimeter of the dedicated sand bearing area to avoid encroachment at the designated reach.
3. Lessee shall excavate only up to the approved depth as per Approved Mining Plan at the designated reach.
4. Lessee shall be held responsible in case the Lessee fails to adhere to the above three (3) conditions and any other violations as per extant Rules.
5. Lessee shall deploy the necessary manpower to excavate Sand in accordance with the Approved Mining Plan, conditions of Environmental Clearance, Agreement guidelines, and as per the directives given by DMG.
6. The Lessee shall ensure that all the Reaches handed over to him with all statutory clearances are operational at all times.
7. During the non-monsoon season, if the number of reaches operating at optimum capacity fall below 70% of the total number of reaches in a package, the penal clauses shall be invoked as prescribed in the Tender document.
8. The DMG or any officer authorized by DMG shall have the right to levy penalty as per the penal clauses specified in the tender document.

(b) At Stockyards/ Reserve depots:

1. In order to meet the demand of Sand during monsoon season (i.e., in the months of July, August and September), the Lessee shall stock such quantity of Sand as prescribed by the Director of Mines &Geology with prior approval of the State Government or as specified in the Tender document at various Reserve Depots, in order to make the Sand available for sale throughout the State at the rate fixed by the State Government.
2. The Detailed List of stockyards along with the details of quantity of sand stock available, location etc. shall be intimated to Director of Mines & Geology by 30th June of every year.
3. The Penal provisions for not maintaining the specified amount of Reserve stocks shall be prescribed in the Tender document/ Agreement.
4. As the onset of Monsoon season may vary because of geo-climatic conditions, the Reserve stock requirement shall be maintained accordingly.
5. During the non-monsoon seasons, Sand may be supplied to the consumers from reaches to the extent possible.

   However, for smooth supply of sand, if required, stockyards may be maintained at locations which cannot be served directly from the reaches in order to meet the requirement of sand.
6. Notwithstanding anything stated in these Rules/Agreement, in order to meet the demand of sand, the Agency shall maintain reserve depots / stockyards at any specified locations in the State as per the instructions of the Director of Mines & Geology.
7. In cases where the Lessee delivers Sand to the consumers from reach/stockyard in vehicles of the Lessee to a place which is distant from reach/stockyard, the Lessee shall abide by Sand rates as notified by the State Government for different cities/locations in the State.
8. Lessee shall identify and arrange Land for Reserve depots/stockyards, if maintained, with proper connectivity and ease of access for consumers.
9. Lessee shall collect sale price of Sand from the customers and issue Sale Waybill / Invoice along with the details of vehicle number, quantity etc., as applicable to the customer.
10. Lessee shall issue a copy of the said Sale Waybill / Invoice to the vehicle driver prior to dispatch of sand from the Reach/stockyard.

11. Lessee shall load the sand as per the approved capacity of the vehicle.
12. Lessee shall maintain daily production and dispatch register and statutory returns/clearances prescribed under various statutes.
13. Lessee shall furnish a sand reach / stockyard wise monthly and yearly returns statement in Form–S2(Appended) and Form–S3 (Appended) respectively to the Dept., of Mines & Geology on the quantity of sand excavated and transported to stockyard(s) as well as sand dispatched from the reaches / stockyard to the end customers within seven(7) days of the succeeding month.

(c) Sale & Transportation

1. Lessee shall obtain Dispatch permits/Transit forms / passes as per the procedure laid down by the Director of Mines & Geology for transportation of sand from reaches/stockyard to consumers.
2. The Lessee shall ensure that sand is available for sale throughout the year in the State.
3. The Lessee shall use authorized ramps as per existing mechanism for transportation of sand from the reaches.

(d) Addition of New Sand reaches

1. New Sand Reaches shall be continuously identified by the Dept., of Mines & Geology during the contract period for un-interrupted supply of sand, subject to availability of sand bearing areas.
2. Any new reaches of higher and lower order streams as identified by the Dept., of Mines & Geology in a package area during this period shall be allotted to the Lessee and Lessee shall undertake excavation, storage, sale etc. as per the existing mechanism.

(e) Other conditions:

1. The Lessee shall coordinate with the DeputyDirector of Mines & Geology of the concerned district for taking over the details of the sand reaches, location details, extent, transfer of statutory clearances in the name of the Lessee and other requisite documents required to commence sand operations.
2. The Lessee shall permit and extend necessary support to the officials of the Dept., of Mines & Geology, officials of Special Enforcement Bureau (SEB), Police Dept., and officers from any other Law enforcement agency to inspect, check the sand operations, storage/stocking, sale, stock, stockyard operations, and vehicles as per the provision of Act and Rules and procedures in vogue.
3. The number of optimum operation of reaches shall be relaxed in case of issues beyond the control of the lessee such as inundation of the reaches, drought situation & Force Majeure events (Acts of God) and Govt./Judicial Orders.

Any other required conditions/modifications may be incorporated during the time of execution of Lease as the Director of Mines & Geology deem fit in accordance with the extant Acts and Rules.

SAND LEASE GRANTED THROUGH E-TENDER IS NOT TRANSFERABLE.

FAILURE ANDTERMINATION:

The granting authority shall terminate the lease agreement, forfeit the security deposit and take possession of the area, order for seizure of sand stocks from the reach/stockyard/depots on contravention of any of rules and conditions of the agreement or in case of any breach or non-compliance with any of the provisions of the Act and rules made there under and any violations to these Rules

LESSEE LESSOR

FORM S-2

MONTHLY PRODUCTION AND DISPATCH RETURNS FOR SAND REACH/STOCKYARD

(See Rule (1)d-1(xiii)(b)(xiii))) of Rule 9-B of APMMC Rules, 1966)

Form S-2-A

Sl. No	Name of the Package	District	Mandal	Name eof the sand reach	Total Permitted quantity / Balance reserves in case of handed over from APMDC	Quantity of sand dispatched to end consumers	Quantityofsand dispatched to stock yard	Total quantity of sand produced for that month. (7+8)	Closing Balance/Balance Reserves in the reach (6-9)
1	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***

Form S-2-B

Sl. No	Nameof the stockyard	Mandal	District	Opening balance of the month	Quantity of sand received from Sand reach and name of the corresponding source Sand reach	Quantity of sand dispatched to end consumers	Balance available quantityin the reach (5+6-7)
1	***2***	***3***	***4***	***5***	***6***	***7***	***8***

FORM S-3

Yearly Statement of extraction and disposal of Sand

[See Rule (1)d-1(xiii)(b)(xiii))) of Rule 9-B of APMMC Rules, 1966]

S.No	Package	District	Month	Permitted quantity	Dispatch to end users	Dispatch to Stockyard	Remaining reserves	Dispatch from stockyards	Balance quantity at Stockyard
1	2	3	4	5	6	7	8	9	10

Signature of the Authorized Signatory

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)